

Attorney Docket No.: DRE-0032
Inventors: Fertala and Ko
Serial No.: 09/895,674
Filing Date: June 28, 2001
Page 5

REMARKS/ARGUMENTS

Claims 1-8 are pending in the instant application. Claims 5-8 have been withdrawn from consideration by the Examiner and subsequently canceled without prejudice by Applicants in this amendment. Claims 1 and 4 have been amended. Support for these amendments can be found in the specification at page 9, lines 11-16. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Priority Claim

The Examiner suggests that the claim to priority is incomplete because the PCT Application number is not provided. Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have amended the priority claim in the specification to include the PCT Application Number.

II. Finality of Restriction Requirement

The Examiner has made final the Restriction Requirement mailed October 2, 2002. Thus, in an earnest effort to advance the prosecution of this case, Applicants have

Attorney Docket No.: DRE-0032
Inventors: Fertala and Ko
Serial No.: 09/895,674
Filing Date: June 28, 2001
Page 6

canceled nonelected claims 5-8, without prejudice. In light of the finality of this Restriction Requirement, Applicants reserve the right to file a divisional application to the canceled subject matter.

III. Rejection of Claim 1-3 under 35 U.S.C. 102(b)

Claims 1-3 have been rejected under 35 U.S.C. 102(b) as being anticipated by either Vacanti et al. (U.S. Patent 5,769,830) or Bell (WO 0023008).

The Examiner suggests that Vacanti et al. disclose a cell scaffold composed of hollow or solid fibers of a biocompatible, synthetic polymer which is biodegradable or non-biodegradable. The Examiner also suggests that Vacanti et al. teach coating the fibers with collagen type II and that this coating of the polymer would render the collagen to be placed between the polymeric fibers.

The Examiner suggests that Bell discloses cardiovascular prostheses formed from woven biodegradable polymers and use of collagen type II as one of the types of collagens to be used in the prosthesis. Sections of this reference highlighted by the Examiner teach collagen fiber scaffolds and biodegradable polymer fiber scaffolds prepared by first covering the inside of the mold with a

Attorney Docket No.: DRE-0032
Inventors: Fertala and Ko
Serial No.: 09/895,674
Filing Date: June 28, 2001
Page 7

biodegradable polymer fiber scaffold and then filling the hollow of the mold with collagen.

Accordingly, in an earnest effort to advance the prosecution and to clarify a distinguishing property of the present invention taught at page 9, lines 11-16 of the instant application to provide for an even better scaffold, Applicants have amended claim 1 to delete the phrase "or between", thus making clear that in the invention of claim 1 and claims dependent therefrom, the collagen is incorporated within the polymeric fiber.

Since neither Vacanti et al. nor Bell et al. teach synthesis of polymer fibers wherein collagen is incorporated within the polymeric fibers, these references cannot anticipate the claims as amended. See MPEP § 2131. Withdrawal of this rejection under 35 U.S.C. § 102(b) is therefore respectfully requested.

IV. Objection to Claim 4

Claim 4 has been objected to as depending from a rejected base claim. However, the Examiner has acknowledged claim 4 to be allowable is rewritten in independent form including all of the limitation of the base claim and intervening claims. Accordingly, in an earnest effort to

Attorney Docket No.: DRE-0032
Inventors: Fertala and Ko
Serial No.: 09/895,674
Filing Date: June 28, 2001
Page 8

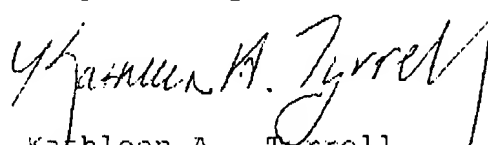
advance the prosecution of this case, Applicants have amended claim 1 as suggested to be independent and to include the limitation of the claim from which it depends.

Withdrawal of the objection to claim 4 is therefore respectfully requested.

V. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


Kathleen A. Tyrrell
Registration No. 38,350

Date: May 12, 2003

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053
(856) 810-1515